

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN EDWARD HUMENIK,)	
)	Civil Action No. 10-341
Petitioner,)	
)	
v.)	District Judge Mark R. Hornak
)	
GERALD L. ROZUM, Superintendent;)	
DISTRICT ATTORNEY FOR THE)	
COUNTY OF ALLEGHENY; and the)	
ATTORNEY GENERAL FOR THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents.)	

MEMORANDUM ORDER

On March 15, 2010, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on January 12, 2012 (ECF No. 14) recommending that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. On February 27, 2012, Petitioner filed Objections to the Report and Recommendation (ECF No. 16). Petitioner's objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 16th day of March, 2012:

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

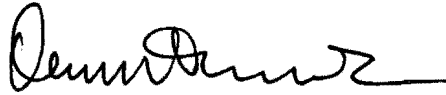
IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 14) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge

John Edward Humenik
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SCI Somerset
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